

MANDATORY

INCAPACITY OF FISCAL OFFICER

If the Fiscal Officer is absent from any meeting of the Board of Directors, the members present shall choose one of their number to serve in his or her place, pro tempore.

It is the legal duty of the Board to appoint a Fiscal Officer Pro Tempore by a majority vote of the members of the Board upon determination that the Fiscal Officer is incapacitated in such a manner that he/she is unable to perform the duties of his/her office. If the Fiscal Officer is a member of the Board, he or she shall not vote on any matter related his or her incapacitation. The Board shall require the Fiscal Officer Pro Tempore to execute a bond immediately after his appointment in accordance with Section 3313.25 of the Revised Code.

The Board shall fix the compensation of the Fiscal Officer Pro Tempore who shall serve until the Fiscal Officer's incapacity is removed or until the expiration of the Fiscal Officer's contract or term of office, whichever is sooner. He/she shall perform all of the duties and functions of the Fiscal Officer, and may be removed at any time for cause by a two-thirds majority vote of the members of the Board.

The Board will exercise its authority under law to determine the incapacity of the Fiscal Officer in the following manner:

- A. At the request of the Fiscal Officer if he/she is absent without pay by reason of personal illness, injury, or exposure to contagious disease which could be communicated to others.
- B. Upon certification of a physician selected and compensated by the Board.
- C. Upon the determination of a referee pursuant to Section 3319.16 Revised Code, that the Fiscal Officer is unable to perform the duties of the Office of Fiscal Officer, and such Fiscal Officer is absent with pay by reason of personal illness, injury, or exposure to contagious disease which could be communicated to others.

If the Board determines that the Fiscal Officer is unable to perform the duties of his/her office, he/she may:

- A. At the request of the Board, be placed on sick leave with such pay to which he/she may be entitled or which may be authorized by Board policy; or
- B. At his/her request, or without such request, pursuant to Section 3319.13 Revised Code, be placed on a leave of absence without pay.

The foregoing leave shall not extend beyond the contract or term of office of the Fiscal Officer.

The Fiscal Officer shall, upon request to the Board, be returned to active duty status, unless the Board denies the request. The Board may require the Fiscal Officer to establish to its satisfaction that he/she is capable of resuming such duties on a full-time basis.

The Board may demand that the Fiscal Officer return to active service, and upon the determination that he/she is able to resume his/her duties, the Fiscal Officer shall return to active service.

The Fiscal Officer may request a hearing before the Board on any action taken under this policy and shall have the same rights in such hearing as are granted under Section 3319.16 Revised Code.

LEGAL REFS: O.R.C. §3313.23

Adopted: March 13, 2017